

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 67 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE R.R. JAIN.

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.
3. Whether Their Lordships wish to see the fair copy of the judgement? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

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STATE OF GUJARAT

Versus

DEVNAGAR GROUP KAMDAR SAHAKARIMANDALI LTD

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Appearance:

MR BY MANKAD, A.G.P.for Petitioners

MR RR SHAH for Respondent No. 1

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CORAM : MR.JUSTICE R.R. JAIN.

Date of decision: 10/02/97

ORAL JUDGEMENT

Rule. Mr. R. R. Shah, learned advocate, waives service of notice of rule on behalf of the respondent.

2. Aggrieved by the award dated 28-9-1995 passed by the Gujarat Public Works Contractors Dispute Arbitration

Tribunal, Ahmedabad in Arbitration Reference No.12 of 1994 the petitioner State of Gujarat has come before this Court by filing this Revision Application u/s 115 of the Civil Procedure Code. To invoke Section 115 of the Civil Procedure Code the aggrieved party has to point out that there is gross miscarriage of justice owing to error of law or that of jurisdictional error which has affected the merits. In this case, on perusal of the impugned order it appears that the award is passed on the admitted facts as per the calculation tendered by the petitioner-respondents vide exh.58. When the award is based on the admitted facts it is not open to the party to challenge before the High Court saying that the Tribunal has committed an error of law in passing the appropriate award.

3. In my view, this fact alone is sufficient to reject the application. In the result, the application being devoid of merit, it deserves to be dismissed and is hereby rejected. Rule is discharge.

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